

Remarks/Arguments

The foregoing amendments to the claims are of a formal nature, and do not add new matter. Claims 123-125, 129-131 and 135-138 are pending in this application. Claim 131 was allowed. Claims 123 and 125 have been canceled without prejudice or disclaimer for pursuing their subject matter in subsequent applications. The pending claims have been amended for clarity. The rejections to the presently pending claims are respectfully traversed.

Claim Objection

Claims 123-125 and 129-130 are objected to because of the informality that the SEQ ID NOs appear within parenthesis and correction was requested. Accordingly, this informality had been amended and hence, this objection should be withdrawn.

Claim Rejections – 35 USC § 112, second paragraph

Claim 123 is rejected under 35 U.S.C. §112, second paragraph for being indefinite.

In view of the cancellation of Claim 123, this rejection has been obviated. Accordingly, Applicants submit that the claims are definite and respectfully request that this rejection be withdrawn.

Claim Rejections – 35 USC §112, 1st paragraph- enablement

Claims 123-125 and 135-138 remain rejected under 35 U.S.C. §112, first paragraph as failing to comply with the enablement requirement. While the Examiner acknowledges that the claims are enabling for reciting nucleic acids of SEQ ID NO: 32 or a nucleic acid of at least 99% identity to SEQ ID NO: 32 wherein said nucleic acid is amplified in squamous cell-type lung carcinomas, the Examiner asserts that there is no enablement for nucleic acids encoding polypeptides of SEQ ID NO: 33.

In view of the cancellation of claims 123 and 125 and the deletion of references to the polypeptides of SEQ ID NO: 33 in the claims, these rejections are obviated.

Hence, Applicants respectfully request that this rejection be withdrawn.

Claim Rejections - 35 USC § 102

Claim 123 is rejected under 35 U.S.C. §102(a) as being anticipated by GenBank AB011112.1 (dated 10 April 1998).

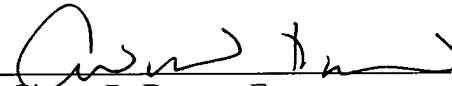
In view of the cancellation of claim 123 without prejudice or disclaimer, this rejection is obviated and hence, this rejection should be withdrawn.

The present application is believed to be in *prima facie* condition for allowance, and an early action to that effect is respectfully solicited. Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 08-1641 (Attorney Docket No.: 39780-2730P1C49).

Please direct any calls in connection with this application to the undersigned at the number provided below.

Respectfully submitted,

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